

Application No. 10/764,203  
Amendment Dated March 30, 2006  
Reply to the Office Action dated January 6, 2006  
Attorney Docket No. 3498-00097

### **REMARKS**

In the Office Action dated January 6, 2006, claims 1-3, 5-14, 16-19 and 21-23 were examined with the result that all claims were rejected. In response, Applicant has canceled claim 10, and written claims 1, 9, 13, 17 and 23. In view of the above amendments and following remarks, reconsideration of this application is requested.

In the Office Action, claims 1-3, 5-11, 13-14, 16-19 and 21-23 were rejected under 35 USC §103(a) as being unpatentable over Coulter U.S. 4,572,484 in view of Heinemann et al U.S. 5,947,719 and Taylor U.S. 4,649,588. It is the Examiner's position that Coulter discloses a pallet construction that includes a pallet deck having a series of slots formed therein and a support frame for the pallet deck. Coulter, however, does not disclose staggered slots so the Examiner cited Heinemann et al for its teaching of staggered slots in a grate assembly. Finally, the Examiner cites Taylor for its teaching of angular cross braces for the purpose of strengthening a deck truss structure and increasing load bearing capacity. Therefore, the Examiner concluded that it would be obvious to modify the pallet construction of Coulter to add staggered slots of Heinemann et al and the cross bracing of Taylor.

Before turning to the rejection of record, Applicant would like to briefly summarize the amendments made to independent claims 1, 13 and 17. These claims have been amended to specifically describe the cross bracing structure of Applicant's pallet constructions. These claims have been amended to specifically define the horizontal brace members and the W configuration of the angular cross braces of the support frame. Support for these amendments can be found in the specification as filed and particularly in the drawings of Figure 6. Thus, no new matter has been introduced into the claims.

The Heinemann et al patent utilizes a honeycomb structure to support its pallet deck. There is clearly no suggestion in Heinemann et al that one could reduce the amount of structure support underneath the top deck, or that angled cross braces could be utilized, without reducing the structural support for the pallet deck. As the present invention

Application No. 10/764,203  
Amendment Dated March 30, 2006  
Reply to the Office Action dated January 6, 2006  
Attorney Docket No. 3498-00097

utilizes the slotted deck as a structural component, and thus advantageously also utilizes the load distribution pattern produced by staggered slots (see Applicant's Figs. 9A and 9B), the need for a honeycomb box-like support underneath the deck, such as that described in Heinemann et al, can be eliminated. The support frame underneath the deck can be replaced with cross braces that minimize the amount of deck surface that is blocked and maximizes the amount of deck surface that is available for slots.

The cross bracing used by Taylor is intended to support the deck, but are clearly not the equivalent of Applicant's cross bracing which are formed in a W-like configuration and extend between specific locations as now defined in the independent claims. Taylor's cross bracing is not W-shaped and there is nothing to suggest Applicant's structure as now claimed. In addition, even if the cross bracing of Taylor were incorporated into and/or substituted for, the box-like support of Coulter, it still would not have the W-like structure as now claimed. In fact, one would have to materially change the bracing arrangement of Taylor in order to arrive at Applicant's claimed support frame, i.e. Taylor does not teach or suggest the use of a plurality of spaced apart horizontal brace members and a plurality of angular cross braces which interconnect the outer frame members in a W configuration, as now claimed.

Accordingly, Applicant requests the Examiner withdraw the §103(a) rejection based upon Coulter, Heinemann et al and Taylor.

In the Office Action, claim 12 was rejected under 35 USC §103(a) as being unpatentable over Coulter in view of Heinemann et al and Taylor as previously applied, and further in view of Allen et al U.S. 6,135,531. The additional citation of Allen et al was merely to disclose that beveled welding is well known in the art. The Examiner refers to Figure 7 of Allen et al for support. However, Applicant fails to see where Figure 7 illustrates bevel welding. Instead, the beveled out portion 251 shown in Figure 7 is manufactured in beam 250 to allow beam 250 to be pressed flush up against the side wall of the truck trailer without the welding bead along joint 145 preventing flat contact. In

Application No. 10/764,203  
Amendment Dated March 30, 2006  
Reply to the Office Action dated January 6, 2006  
Attorney Docket No. 3498-00097

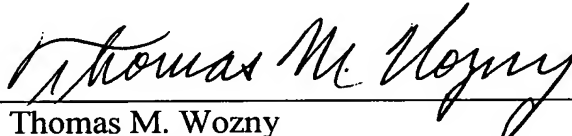
other words, the welding bead along joint 145 is accommodated by or fits within the beveled out portion 251 so that the beam 250 can lie flat against the side wall studs 22. Applicant refers the Examiner to column 6, lines 52-65 of Allen et al. Thus, no bevel welds are illustrated in Allen et al. Nevertheless, it is clear that Allen et al does not teach what is missing from Coulter, Heinemann et al or Taylor as discussed above, and in particular teaches nothing about a support frame, the construction of which is now specifically claimed in the independent claims by Applicant.

According, Applicant believes this rejection should be withdrawn by the Examiner in view of the amendments made herein to the independent claims.

An effort has been made to place this application in condition for allowance and such action is earnestly requested.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP

By   
Thomas M. Wozny  
Reg. No. 28,922

Andrus, Sceales, Starke & Sawall, LLP  
100 East Wisconsin Avenue, Suite 1100  
Milwaukee, Wisconsin 53202  
Telephone: (414) 271-7590  
Facsimile: (414) 271-5770